

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AUSTIN LEGAL VIDEO, LLC §
and PASQUAL PEREZ, III, §
§
Plaintiff, §
§ No. 1:23-cv-00421-DAE
v. §
§
SOUTHWEST REPORTING & §
VIDEO SERVICE, INC., §
SPEECH TO TEXT INSTITUTE, §
INC., SHERRI FISHER, and §
SHELLY TUCKER, §
§
Defendants. §

ORDER (1) ADOPTING REPORT AND RECOMMENDATION AND (2)
DISMISSING CLAIMS WITHOUT PREJUDICE

Before the Court are Dov Preminger's Second Motion to Withdraw as Counsel, filed October 30, 2024 (Dkt. 95), and Amended Second Motion to Withdraw as Counsel with Consent, filed November 5, 2024 (Dkt. 96). The motions were referred to United States Magistrate Judge Susan Hightower. On November 7, 2024, Magistrate Judge Hightower filed her Order and Report and Recommendation, granting Plaintiffs' Amended Second Motion to Withdraw as Counsel with Consent (Dkt. # 96) and withdrawing Dov Preminger as Plaintiffs' counsel of record. (Dkt. # 97 at 2.) Magistrate Judge Hightower also dismissed as moot Preminger's Second Motion to Withdraw (Dkt. # 95). (Id.)

Magistrate Judge Hightower additionally issued a recommendation that the Court dismiss Plaintiff Austin Legal Video, LLC's claims without prejudice for failure to retain counsel if no attorney entered an appearance on its behalf on or before November 22, 2024. (Id. at 3.) Notice of the Order and Report and Recommendation was sent to the parties who remain in the case electronically, and to Plaintiffs via certified, regular, and first-class mail. (See Dkts. ## 97, 98, 99, 101, 103, 104.) The copies sent to Plaintiffs were returned to the Court as unclaimed and unable to be forwarded. (Dkt. # 99, 103, 104.) Objections to the Report and Recommendation were due within 14 days after service of a copy. Neither party filed objections to the Report and Recommendation.

Where neither party objects to the Magistrate Judge's findings, the Court reviews the Report and Recommendation for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After careful consideration, the Court adopts the Report and Recommendation. Austin Legal Video, LLC is a corporation. The Report therefore appropriately considered the "well-settled rule of law that a corporation cannot appear in federal court unless represented by a licensed attorney" in recommending that Austin Legal Video, LLC's claims be dismissed without prejudice for failure to retain counsel. Memon v. Allied Domecq QSR, 385 F.3d 871, 873 (5th Cir. 2004). The Court finds that the Magistrate Judge's conclusions and recommendations are

neither clearly erroneous nor contrary to law. The Report was issued November 7, 2024, and Plaintiff Austin Legal Video, LLC still has failed to retain counsel.

For the reasons given, the Court **ADOPTS** the United States Magistrate Judge Hightower's Report and Recommendation (Dkt. # 97) as the opinion of the Court. Plaintiff Austin Legal Video, LLC's claims in this case are thereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED: Austin, Texas, February 18, 2025.



David Alan Ezra
Senior United States District Judge